

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

411

In re application of

McGregor, et al

Examiner: Gesesse, T.

Serial No: 08/749,721

Group Art: 2746

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For: MOBILE PHONE WITH INTERNAL
ACCOUNTING

Atty Dkt: 12765

BOX FEE-AMENDMENT
Assistant Commissioner
for Patents
Washington, D.C. 20231

Received
MAR 10 1999
Group 2/00

Sir:

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Telemac Cellular Corporation, owner by conditional assignment of all title and interest in the instant application, hereby disclaims the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 5,577,100. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.) the undersigned is empowered to act on behalf on the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

Date

March 3, 1999

Ken M. Spivak
KENIN M. SPIVAK, CEO
Telemac Cellular Corp.

- Terminal disclaimer fee under 37 CFR 1.20(d) included.
- PTO suggested wording for terminal disclaimer was
 - unchanged. changed (if changed, an explanation should be supplied).

Explanation: The nature of the ownership by assignment as recorded, is recited.